

# Unlocking State Lands Program



**Note:** *This 2-part packet contains detailed program information and the application.*

**Enrollment will be based on eligibility.**

**Objective:** To allow private landowners to enter into contractual agreements with Montana Fish, Wildlife, & Parks (FWP) to provide public recreational access to state land where no legal public access currently exists, and receive an annual tax credit in the amount of \$500 per agreement (up to a maximum of \$2,000 tax credit per year) for allowing such access.

## Introduction

Through the **Unlocking State Lands Program**, FWP will accept applications from eligible landowners until March 15, 2014. Contracts will be awarded no later than May 15, 2014.

## Program Eligibility Criteria

- **State land** parcels **are** eligible for enrollment if they cannot be accessed by:
  - (a) public road, right-of-way, or easement;
  - (b) public waters;
  - (c) adjacent federal, state, county, or municipal land that is open to public use; or
  - (d) adjacent private land because that landowner has not granted permission to cross.
- **State land** parcels **are not** eligible for enrollment if they are restricted or closed to general recreational use by the Department of Natural Resources and Conservation.
- **State land** parcels **are not** eligible for enrollment if they are actively enrolled in any FWP program that already provides public access to the state land parcel, such as Block Management, Habitat Montana, Open Fields for Game Bird Hunters, or Upland Game Bird Enhancement Program.
- **Private land** proposed for the public access corridor **is not** eligible for enrollment if the landowner allows hunting on that land and manages it through outfitting or commercial hunting.
- If the state land parcel has a DNRC lease, **only the lessee** is eligible to enter into an Unlocking State Lands Program contract to provide access to that state land parcel.

## Program Details

### General Information

- Access to the state land must be made available for a majority of the year (*at least 6 months and 1 day, beginning no later than June 30 and extending continuously through December 31*) for all general recreational use, including hunting, fishing, hiking, bird-watching, and other uses compatible with the use of state lands.
- Enrollment in the Unlocking State Lands Program does not convey to the public any right to hunt or otherwise recreate on the private land through which they are allowed to pass to reach state land.
- The location of the project will be published in a map located on the FWP Unlocking State Lands Program website, and made available to the public for the length of the contract term;
- Temporary closures of access routes may be imposed by the landowner conditions such as high fire danger or impassible roads, and require:
  - a) Notification of the appropriate FWP Regional headquarters at least 24 hours prior to the closure;
  - b) Public notice posted by the landowner on-site;
  - c) Approval from FWP if closure is in effect more than 7 days;
  - d) Closure must be removed within 24 hours after the natural environmental conditions that triggered the closure no longer exist;

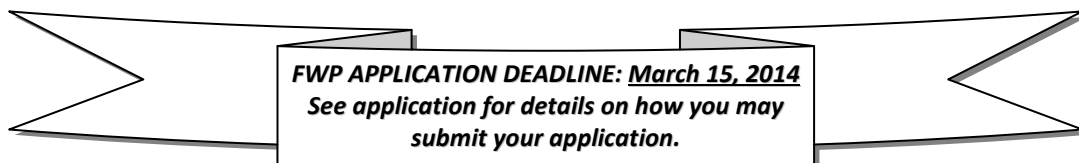
- Project areas will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term.

#### Application for Tax Credit:

- FWP and successful applicants shall enter into cooperative annual agreements (contracts) that will outline the terms of access.
- Upon completion of the contract terms, a certification number will be assign to the contract that will verify that the landowner is eligible for the tax credit.
- Violation of the contract terms may result in FWP not certifying the landowner as eligible for the tax benefit offered under this program.
- A landowner may enter into separate annual agreements to provide access for up to four (4) non-contiguous state land parcels.

#### Tax Credit for Participation

- A landowner (taxpayer) is allowed a annual credit against the taxes imposed by Title 15, chapter 30 or 31, MCA, in the amount of \$500 for each qualified access to state land that is provided. The maximum credit that a landowner may claim in a tax year is \$2,000.
- If the amount of the credit exceeds the landowner's tax liability, the amount of the excess must be refunded to the landowner. The credit may be claimed even if the claimant has no taxable income.
- If the property through which access is provided is owned by multiple taxpayers, each taxpayer may claim a proportionate share of the \$500 credit based on their respective ownership interests in that property.



## *Unlocking State Lands Program*

*Completion of this application in no way constitutes a commitment by the State of Montana to award a contract.*

**UNLOCKING**  
**STATE LANDS**  
MONTANA FISH, WILDLIFE & PARKS



**APPLICATION**  
**2014**

I. CONTACT INFORMATION	
Landowner Name	
Mailing Address Street/City/State/ZIP	
Phone Number(s)	

II. STATE Land Parcel to which the public will be allowed to gain access. <i>(only 1 parcel per application)</i>			
State land parcel legal description	Township(N/S)	Range(E/W)	Section

III. PRIVATE Land Parcel(s) through which public will be allowed to cross to reach State Land Parcel identified in Section II.						
Ranch/Property Name						
County(s)						
Private land parcel(s) legal descriptions	Township(N/S)	Range(E/W)	Section(s)	Township(N/S)	Range(E/W)	Section(s)

IV. DESCRIPTION OF PROPOSED PROJECT:
<p><i>Describe the proposed project, providing the <u>name</u> or <u>number</u> of the public road or public waterway from which the public will enter onto and depart from your private land, and describing the <u>method</u> by which the public will travel across your private land to gain access to the state land, indicating whether or not the access route will consist of an established road or trail, or follow some other identifiable route. While public access must be allowed for a majority of the year (defined as at least 6 months and 1 day of continuous use, beginning no later than June 30 and extending through December 31), please indicate whether or not access will be provided longer than that, and if so, when you propose public access may be permitted, contingent upon when a signed contract can be completed.</i></p>       <p>Term of access: Start _____ End _____</p> <p><b><i>NOTE: Application must be accompanied by a map which depicts: a) the state land parcel being accessed; b) adjacent private land through which public access will be provided; c) access point where public access onto private land begins; and d) travel route proposed for public access through private land to state land parcel.</i></b></p>

**V. METHOD OF PUBLIC ACCESS – Means by which public will be allowed to cross private land identified in Section III to reach state land parcel identified in Section II.**

A landowner may determine the method of travel by which the public is allowed to cross the landowner's private land to gain access to the state land. Please check the method(s) below which identifies how you will permit the public to travel through your private land.

**Method of travel allowed:**

- ☐ Motorized, restricted to highway-capable truck or sedan (*must be capable of accommodating typical road use vehicles*).
- ☐ Motorized, to include truck, sedan, all-terrain vehicles, and off-road motorcycles.
- ☐ Non-motorized, limited to foot travel only (*cannot exceed one linear mile from beginning to end*).
- ☐ Non-motorized, including foot travel and mountain bike.
- ☐ Non-motorized, including foot travel and horseback.
- ☐ Non-motorized, including foot travel, mountain bike, and horseback.
- ☐ Other (please explain): \_\_\_\_\_

I, the undersigned, am aware of the following obligations and requirements concerning enrollment in this program:

1. If the state land parcel has a DNRC lease, only the lessee is eligible to enter into an FWP Unlocking State Lands Program contract to provide access to that state land parcel. Are you a lessee of this DNRC parcel? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Access to the state land must be made available for a majority of the year (*at least 6 months and 1 day, beginning no later than June 30 and extending continuously through December 31*) for all general recreational use, including hunting, fishing, hiking, bird-watching, and other uses compatible with the use of state lands;
3. If hunting is allowed on the private land through which the public is allowed to pass to reach the state land parcel, that hunting cannot be managed through outfitting or commercial hunting. **NOTE: Enrollment in the Unlocking State Lands Program does not convey to the public any right to hunt or otherwise recreate on the private land through which they are allowed to pass to reach state land.**
4. If I find that there is a need to impose a temporary closure on the private land enrolled in this program, I understand that I must:
  - e) Notify FWP Regional headquarters at least 24 hours prior to the closure;
  - f) Post notice to the public on-site;
  - g) Obtain approval from FWP if closure is in effect more than 7 days;
  - h) Ensure closure is removed within 24 hours after natural environmental conditions that may have triggered the closure no longer exist;
5. The project area will be signed by FWP to identify enrollment in program. Signs must remain in place for the entire length of the contract term.
6. The location of the project will be published in a map located on the FWP Unlocking State Lands Program website, and made available to the public for the length of the contract term;
7. Violation of the terms of any contract entered into as a result of this application may result in FWP not certifying the contractor as eligible for the tax benefit offered under this program.

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Applications must be submitted to FWP – Wildlife, ATTN: Unlocking State Lands Program, PO Box 200701, Helena, MT 59620. **Applications must be accompanied by a map with information specified in Section IV of this form, and must be post-marked no later than March 15, 2014.** For questions, email [fwpunlock@mt.gov](mailto:fwpunlock@mt.gov)